

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Herbert I. Levy, Acting Presiding Justice; Honorable Betty L. Dawson, Associate Justice; Honorable Brad Hill, Associate Justice; and Charlene Ynson, Assistant Clerk/Administrator, by Judy Evans, Assistant Deputy Clerk.

F058029 Canandaigua Wine Company, Inc. v. County of Madera et al.; Madera County Assessment Appeals Board

Cause called and argued by Charles J. Moll, Esq., counsel for appellant and by Carolyn J. Frank, Esq., counsel for respondent County of Madera et al.

Cause ordered submitted.

At this point Levy, Acting P.J. directs Dawson, Acting P.J. to act as Presiding Justice in his absence, leaves the bench and is replaced by Poochigian, J.

F057988 People v. Magana

Cause called and argued by Alex Nicholas Coolman, Esq., counsel for appellant and by Jesse Witt, Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

F055929 People v. Ochoa

Cause called and argued by Sylvia Koryn, Esq., counsel for appellant and by Paul E. O'Connor, Deputy Attorney General, counsel for appellant.

Cause ordered submitted.

F058529 Smith v. Jo-Ann Stores, Inc.

Cause called and argued by Philip L. Ross, Esq., counsel for appellant and by K. Poncho Baker, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Thursday, September 16, 2010 at 1:30 P.M.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Herbert I. Levy, Acting Presiding Justice; Honorable Gene M. Gomes, Associate Justice; Honorable Betty L. Dawson, Associate Justice; and Charlene Ynson, Assistant Clerk/Administrator, by Jeanette Zamorano, Assistant Deputy Clerk.

F058689 In re J.R., a Minor

Cause called and argued by Monica Vogelmann, Esq., counsel for appellant and by Louis M. Vasquez, Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

At this point Gomes, J. leaves the bench and is replaced by Hill, J.

F058073 Osband v. Raypholtz

Cause called and argued by Dirk P. Paloutzian, Esq., counsel for appellant and by Donald R. Forbes, Esq., counsel for respondent.

Cause ordered submitted.

At this point Levy, Acting P.J., Dawson, J. and Hill, J. leave the bench; they are replaced by Cornell, Acting P.J., Gomes, J. and Kane, J.

F058625 In re M.G., a Minor

Cause called and argued by Candice L. Christensen, Esq., counsel for appellant and by Peter H. Smith, Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

F057696 In re the Marriage of Casey O. Tharp and Mary Beth Tharp

Cause called and argued by Todd W. Baxter, Esq., counsel for appellant and by C.D. Harbottle, Esq., counsel for respondent.

Cause ordered submitted.

The court adjourns.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F060351 X.L., Sr. v. The Superior Court of Kern County; Kern Co. Dept. of Human Services

The petition for extraordinary writ is dismissed. The opinion is final forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F057157 People v. Bailey

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F057157 People v. Bailey

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F059740 Jackson et al. v. Central Unified School District

Pursuant to written stipulation of the parties hereto, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed as to respondent Ricardo A.

F059123 In re O.H., a Minor

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

F059123 In re O.H., a Minor

The December 4, 2009, visitation order is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F059974 In re I.Z. et al., Persons Coming Under the Juvenile Court Law

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F057502 People v. Garcia

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

F057502 People v. Garcia

The judgment is modified to strike the imposition of the \$670 charge consisting of the \$200 Penal Code section 672 fine and associated penalty assessments and other charges. As modified, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F057731 People v. Huber et al.

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F059250 People v. Ward

The cause is submitted for decision.

F059250 People v. Ward

The order denying appellant's motion is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F057973 People v. Soto

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F060574 Flake et al. v. Katakis et al.

The "Motion of Stanley Flake and Capstone Trust to Vacate Dismissal of Appeal...." filed on September 13, 2010, is granted. This court's order of August 13, 2010, dismissing the appeal in the above entitled action is vacated and the appeal is reinstated.

F058514 People v. Martinez

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

F058514 People v. Martinez

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F060513 M.G. v. The Superior Court of Fresno County; Fresno Co. Dept. of Social Services

Pursuant to the terms of this Court's order of September 8, 2010, and the failure of any party to request oral argument, the oral argument date of September 30, 2010, is vacated.

The matter is deemed submitted on the date of this order.